

Message Text

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44

ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 SS-20 NSC-10 L-03

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R 021700Z NOV 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC 1644

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E.O. 11652: N/A

TAGS: ETRN, IT

SUBJECT: CIVAIR - SEABOARD CARGO RATES

REF: ROME 11880 AND PREVIOUS

1. EMBASSY RECEIVED AT COB OCTOBER 31 A MESSAGE (NUMBER 326093/32.1) FROM CIVILAVIA ON SEABOARD RATES CASE STATING: QTE RE: EXCHANGE OF MESSAGES BETWEEN THIS MINISTRY AND SEABOARD WORLD AIRLINES, COPIES OF WHICH WERE TRANSMITTED TO THE EMBASSY, RELATING TO SEABOARD'S REQUEST TO INTRODUCE NEW RATES FOR THE TRANSPORT OF LARGE CARGO SHIPMENTS (30,000/15,000/10,000 KILOGRAMS) BETWEEN ITALY AND THE USA. IN THIS CONNECTION THIS MINISTRY CONFIRMS ITS ORIGINAL COMMUNICATION, NUMBER 322369/32.1 OF SEPTEMBER 19, 1973 AND REJECTS ONCE AGAIN THE LAST NOTICE FROM SEABOARD (REGISTERED UNDER PROTOCOL NUMBER 324427) OF OCTOBER 12, 1973, CONTESTING THE ARGUMENTATION CONTAINED THEREIN WHICH FAILS TO RECOGNIZE VAID DECISIONS OF THIS MINISTRY AGAINST THE ABOVE REQUESTED RATES. QUITE APART FROM THE EXCEPTIONS RAISED BY SEABOARD ON THE SUBJECT OF FAILURE TO OBSERVE THE TERMS OF THE BILATERAL US-ITALY AIR TRANSPORT AGREEMENT, THIS MINISTRY CONTESTS IN ADDITION THE VALIDITY IN FORM AND SUBSTANCE OF THE SEABOARD REQUEST, WHICH IS DRAWN UP IN ABSOLUTELY VAGUE TERMS AND DOES NOT CONFORM TO THE MOST ELEMENTARY PROCEDURAL PRINCIPLES. THIS MINISTRY IS CERTAIN THAT THE US AUTHORITIES SHARE THE ABOVE OPINION ABOUT THE NONAPPLICABILITY OF SEABOARD'S REQUESTED RATES.

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IN THE CONTRARY CASE, THIS MINISTRY STATES THAT IT CONSIDERS FORMALLY

VALID ITS NOTIFICATION OF SEPTEMBER 19, 1973 TO SEABOARD AND THE
EMBASSY REGARDING ITS DISSATISFACTION WITH SEABOARD'S REQUESTED RATES,

AND THIS IN THE PROCEDURAL SENSES PROVIDED FOR IN ARTICLE 10 OF
THE BILATERAL US-ITALY AIR TRANSPORT AGREEMENT. UNQUOTE.

2. CIVILAVIA MESSAGE AVOIDS DISCUSSION OF DATE OF DELIVERY OF
SEABOARD'S AUGUST 27 LETTER, WHEREAS IN PREVIOUS DISCUSSIONS WITH
MINISTRY OF FOREIGN AFFAIKS (MFA) CIVILAVIA CONTENDED SEABOARD
LETTER NOT RECEIVED UNTIL WELL INTO SEPTEMBER. LATEST MESSAGE
WRITTEN AFTER MFA ADVISED CIVILAVIA OF AUGUST 29 HAND DELIVERY
TO DR. PILATI (WHICH PROBABLY UNDERLIES REFERENCE TO "PROCEDURAL
PRINCIPLES").

EMBASSY ALSO NOTES RETROACTIVE EXPRESSION OF "DISSATISFACTION" IN
CIVILAVIA'S SEPTEMBER 19 MESSAGE. MOREOVER, MESSAGE REAFFIRMS
CIVILAVIA CONTENTION THAT SEABOARD ILLEGALLY APPLYING NEW RATES.

3. SINCE THIS MESSAGE INVOLVES APPLICATION AND INTERPRETATION OF
BILATERAL AIR TRANSPORT AGREEMENT, EMBASSY BELIEVES REPLY, IF ANY,
SHOULD BE MADE THROUGH MFA RATHER THAN DIRECTLY TO CIVILAVIA.
EMBASSY CONSIDERS ISSUES OF FORM AND SUBSTANCE AND PROCEDURAL
PRINCIPLES AS OBFUSCATION AND RECOMMENDS WE CONCENTRATE ON KEY
ISSUE OF DATE OF DELIVERY TO CIVILAVIA AND PROVISIONS OF ARTICLE
10(D) OF BILATERAL.

4. PLEASE ADVISE SOONEST. VOLPE

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Message Attributes

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